**AMENDMENT UNDER 37 C.F.R. 1.116**
**EXPEDITED PROCEDURE**
**EXAMINING GROUP 3627**
**PATENT**
**ATTORNEY DOCKET NO. 2000P7518 US (1009-026)**
**SERIAL NO. 09/528,693**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| Serial No. | 09/528,693 |
| Applicant | James Wright et al. |
| Filed | 20 March 2000 |
| Title | METHOD, SYSTEM AND APPARATUS FOR PROVIDING PRODUCT INFORMATION OVER THE INTERNET |
| Art Unit | 3627 |
| Examiner | Andrew J. Fischer |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

I, Dr. Ronald D. Williams, a citizen of the United States, whose full post office address is 1715 Hearthglow Lane, Charlottesville, VA 22901 declare as follows under penalty of perjury.

1. I hold a Ph.D. degree in Electrical Engineering from the Massachusetts Institute of Technology awarded in 1984.
2. I hold a M.S. degree in Electrical Engineering from the University of Virginia awarded in 1978.
3. I hold a B.S. degree in Electrical Engineering from the University of Virginia awarded in 1977.

4. I am currently an associate professor of Electrical & Computer Engineering at the University of Virginia.
5. Since 1984, I have worked continually in the field of electrical engineering with particular emphasis in embedded computing with applications in control and signal processing.
6. During my career, I have been granted five U.S. patents for my own inventions in the field of embedded computing.
7. I have reviewed Application Serial No. 09/528,693.
8. I have reviewed U.S. Patents Nos. 5,804,803 (Cragun '803); 5,940,595 (Reber '595); 6,109,526 (Ohanian '526); and 5,978,773 (Hudetz '773).
9. Among the devices with which I was familiar prior to 03/20/2000, the filing date of Application Serial No. 09/528,693, were devices of the type recited in Cragun '803, Reber '595, Ohanian '526, and Hudetz '773.
10. I have reviewed the U.S. Patent Office Action dated 30 July 2003 ("Office Action 1") in Application Serial No. 09/528,693, which contains the following statement: "the Examiner hereby adopts the following definitions as the broadest reasonable interpretation in all his claim interpretations ... b. Controller 'A device on which other devices rely for access to a computer subsystem' ... e. Programmable logic device 'A logic chip that is programmed by the customer rather than by the

manufacturer' ... a programmable logic controller is a PLD."

11. From the view of one skilled in the electrical engineering art as of 20 March 2000, the filing date of Application Serial No. 09/528,693, the definitions adopted in Official Action 1 are factually incorrect. Specifically, one skilled in the art would not interpret the term "programmable logic controller (PLC)" to mean 'A logic chip that is programmed by the customer rather than by the manufacturer'.

12. Instead, one skilled in the art would interpret the term "programmable logic controller (PLC)" to mean a device that follows programmed instructions to provide automated monitoring and/or control functions over a machine and/or process by evaluating a set of inputs. A PLC can be used, for example, to automate complex functions and/or control an industrial process, for example, in machining, packaging, materials handling, and/or other applications.

13. I have reviewed the U.S. Patent Office Action dated 17 December 2003 ("Office Action 2") in Application Serial No. 09/528,693, which contains the following statement: "it is unclear what structural elements make up the 'automatically interfacing to the Internet to access said web page based on said indicator.'"

14. That statement is factually incorrect, in view of the state of the electrical engineering art as of 03/20/2000, the filing date of Application Serial No. 09/528,693. One skilled in the art would not find that "it is unclear what structural elements make up

the 'automatically interfacing to the Internet to access said web page based on said indicator.'"

15. Rather, one skilled in the art would find ample and clearly linked corresponding structure for the recited function of claim 6. Specifically, page 4 of the specification recites "an Internet **interface** 204 **for automatically interfacing to the internet** using the label retrieved from the memory 200"; "the **interface** is provided by a human/machine interface (HMI) such as that provided by Siemens"; "[t]he HMI provides **a software interface** to industrial-type processors such as PLCs"; and "an **internet interface** is provided **that automatically interfaces to the internet** using the label stored in memory 200".

16. As of 20 March 2000, one skilled in the art would recognize that these recited "interfaces" explicitly recite "software", which one skilled in the art would recognize to run on and/or utilize known hardware.

17. Thus, one skilled in the art would recognize that these recited structures are adequate for enabling the recited function of claim 6, and clearly linked to the recited function of claim 6.

18. I have reviewed U.S. Patent Office Action 2 in Application Serial No. 09/528,693, which contains the following statement: "Cragun '803 discloses ... alternatively ... Reber '595 discloses ... the RF device contains a PLC since the RF device is an

'active' RF device and the RF device is coupleable to the product."

19. That statement is factually incorrect, in view of the state of the electrical engineering art as of 03/20/2000, the filing date of Application Serial No. 09/528,693. One skilled in the art would not find that "Cragun '803 discloses ... alternatively ... Reber '595 discloses ... the RF device contains a PLC since the RF device is an 'active' RF device and the RF device is coupleable to the product."

20. Rather, one skilled in the art would interpret the term "PLC" to mean a programmable logic controller as defined in paragraph 12.

21. Accordingly, one skilled in the art would not find that "Cragun '803 discloses ... alternatively ... Reber '595 discloses ... the RF device contains a PLC since the RF device is an 'active' RF device and the RF device is coupleable to the product."

22. I have reviewed U.S. Patent Office Action 2 in Application Serial No. 09/528,693, which contains the following statement: "the claims are anticipated because of the inherent features (i.e. the old and well known structure and features of RF tags). However if not inherent, Ohanian directly teaches the use of RF tags in replace bar codes because, inter alia, bar codes may be obscured."

23. That statement is factually incorrect, in view of the state of the electrical engineering art as of 03/20/2000, the filing date of Application Serial No. 09/528,693. One skilled in the art would not find that "the claims are anticipated because of the

inherent features (i.e. the old and well known structure and features of RF tags). However if not inherent, Ohanian directly teaches the use of RF tags in replace bar codes because, inter alia, bar codes may be obscured."

24. Rather, one skilled in the art would interpret the term "PLC" to mean a programmable logic controller as defined in paragraph 12.

25. Accordingly, one skilled in the art would not find that "the claims are anticipated because of the inherent features (i.e. the old and well known structure and features of RF tags). However if not inherent, Ohanian directly teaches the use of RF tags in replace bar codes because, inter alia, bar codes may be obscured."

26. I have reviewed U.S. Patent Office Action 2 in Application Serial No. 09/528,693, which contains the following statement: "Hudz directly or inherently discloses all the claimed features except it uses bar codes because, inter alia, bar codes may be obscured."

27. That statement is factually incorrect, in view of the state of the electrical engineering art as of 03/20/2000, the filing date of Application Serial No. 09/528,693. One skilled in the art would not find that "Hudz directly or inherently discloses all the claimed features except it uses bar codes because, inter alia, bar codes may be obscured."

28. Rather, one skilled in the art would interpret the term "PLC" to mean a programmable

logic controller as defined in paragraph 12.

29. Accordingly, one skilled in the art would not find that "Hudz directly or inherently discloses all the claimed features except it uses bar codes because, inter alia, bar codes may be obscured."

I further declare that all statements made herein of my own knowledge are true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 28th day of February 2004

Dr. Ronald D. Williams